

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

BRANDY DEGARIS

PLAINTIFF

V.

CAUSE NO. 1:16-CV-239-SA-RP

**MONROE COUNTY, SHERIFF CECIL CANTRELL,
Individually, and in his Official Capacity as
SHERIFF OF MONROE COUNTY and DEPUTY SHERIFF
CLAYTON JONES, Individually and in his Official Capacity
as DEPUTY SHERIFF OF MONROE COUNTY**

DEFENDANTS

MOTION FOR QUALIFIED IMMUNITY

NOW COMES DEFENDANT SHERIFF CECIL CANTRELL, individually, by counsel, and respectfully move this Court for dismissal AND/OR judgment on the pleadings because Plaintiff's Complaint fails to set forth an individual capacity claim against him which is cognizable under the doctrine of qualified immunity.

I. PLAINTIFF'S COMPLAINT

Foundationally, a corrections officer cannot have consensual sexual relations with an inmate.¹ Plaintiff's Complaint and notes as a matter of record that she had sexual relations with Defendant Clayton Jones just over three years before filing suit resulting in his being convicted of a criminal offense. **DOC #1, ¶17-18.** Plaintiff alleges Sheriff Cantrell "created an unreasonable risk of harm for failing to adequately train and supervise" [the jailor who had non-consensual sex with Plaintiff]. Defendant would show that these mere allegations fail as a matter of law to survive qualified immunity.

¹*Miss. Code Ann.* § 97-3-104 (Sex between law-enforcement or correctional officer or employee and offender).

II. AUTHORITY

As required by Uniform District Court Rule 7, these Defendants separately submit their supporting authorities via memorandum brief.

NOW, THEREFORE, Defendant Sheriff Cantrell, individually, respectfully moves this Court to dismiss the instant complaint with prejudice pursuant to Rule 12(b)(6) & (c), *Fed. R. Civ. Proc.*

FILED this the 3rd day of May, 2017.

JACKS | GRIFFITH | LUCIANO, P.A.

By: /s/ Daniel J. Griffith
Daniel J. Griffith, MS Bar No. 8366
Attorney for Defendants Monroe County,
Monroe County Sheriffs Department and
Sheriff Cecil Cantrell in his individual and
official capacity as Sheriff of Monroe County

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CERTIFICATE OF SERVICE

I, Daniel J. Griffith, attorney of record for Defendants Monroe County and Sheriff Cecil Cantrell in his individual and official capacity as Sheriff of Monroe County, do hereby certify that I have this day caused a true and correct copy of the above and foregoing **MOTION FOR QUALIFIED IMMUNITY** to be delivered by the ECF Filing System which gave notice to all counsel of record.

Mark A. Cliett, MSB N 9950
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Attorney for Plaintiff

DATED this 3rd day of May, 2017.

/s/ **Daniel J. Griffith**

Daniel J. Griffith